

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figures 2 and 8.

The name of block 25 has been changed from "TIME SYNTHESIZING UNIT" to
"TIME SYNCHRONIZATION UNIT"

Attachment: Replacement sheet

REMARKS

Claims 15-30 are currently pending, wherein claims 1-15 were canceled in the preliminary amendment filed on June 3, 2005.

At the outset, Applicant notes that it appears that the preliminary amendment filed on June 3, 2005 canceling claims 1-15 and adding new claims 16-30 has not been considered by the Examiner. Furthermore, after a telephone discussion with Examiner Lee regarding the restriction requirement issued in connection with original claims 1-15, Applicant notes that new claims 15-30 are similar in scope to original claims 1-15. Accordingly, should the Examiner require an election of species, Applicant hereby asserts they would elect the species drawn to Fig. 1, i.e. claims 16, 17, 22, 25 and 26.

In paragraph 2 of the Office action ("Action"), the Examiner objects to Figs. 2 and 8 because of a typographical/translation error. Applicant has amended Figs. 2 and 8 as indicated above, thereby addressing the Examiner's concerns.

In paragraph 4 of the Action, the Examiner rejects claim 7 under 35 U.S.C. 102(e) as being anticipated U.S. Patent Application Publication No. 2004/0252629 A1 to Hasegawa et al. ("Hasegawa"). Applicant notes that claim 7 was canceled in the preliminary amendment filed on June 3, 2005, rendering this rejection moot.

Applicant notes that currently pending claim 22 is similar in scope to original claim 7. Accordingly, in order to expedite prosecution of the present application Applicant will discuss the distinction between the claim 22 and Hasegawa.

Independent claim 22 defines that a communication device for transmitting a signal. The device includes, *inter alia*, a transmitting antenna for each channel; a by-channel known-signal generating unit that generates known signals by channels, the known signals being spread by a code orthogonal between channels; a common known-signal generating unit that generates a common known signal that is common to the channels; and a transmission-signal generating unit for each channel that generates a transmission signal for a corresponding channel by allocating user data, the common known signal, and the known signals by channels according to a prescribed frame format, the transmission signal being a signal to be transmitted via corresponding antenna.

Hasegawa discloses an OFDM system for spreading pilot symbols by prescribed orthogonal codes and transmitting the pilot symbols together with transmit symbols (see ¶ [0001] of Hasegawa). However, nowhere in Hasegawa is there any disclosure of a transmitting antenna for *each* channel and/or a common known-signal generating unit that generates a common known signal that is common to all the channels as claimed. To the contrary, Fig. 15 of the Hasegawa only discloses a single transmitting antenna for transmitting the OFDM signal. Therefore, Hasegawa cannot possibly be interpreted as disclosing an antenna for each channel and a common known-signal generating unit as claimed.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny L. Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: September 26, 2008

Respectfully submitted,

By Penny Caudle #46,607
Michael K. Mutter

Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant